

**<sup>1</sup>371—4.8(173) Liens.** The Iowa state fair shall have a lien upon all property being kept, used or situated upon the fairgrounds whether the property be exempt or not, for the rent or privilege money to be paid under a space contract and for any damages sustained for any breach thereof. The Iowa state fair board shall have the right to attach the same without process of law, and appropriate such property to the use of the Iowa state fair to satisfy its claims against the contractor as per contractual agreement.

OBJECTION, 4.8\*

At its August 1, 1981, meeting the administrative rules review committee voted the following objection:

Pursuant to the authority of section 17A.4, The Code, on July 13, 1981, the committee objected to rule 4.8 adopted by the fair board and appearing in IV IAB 1 (7-8-81). It is the opinion of the committee that rule 4.8 is unreasonable and beyond the authority of the board.

Rule 4.8 in essence provides that the board has a lien on all property located on the fairgrounds as security for rent or privilege money owed under contract, and that the board may attach that property without process of law. This provision is unconscionable because it is a completely one-sided remedy which puts the state in a completely superior position to the renter; and the only reason it can be imposed is because the state fair is a unique event, and those who wish to participate must comply with the conditions imposed on a take-it-or-leave-it basis. An agency of the state, itself a creation of law, must not use its superior bargaining position to impose contractual conditions that deliberately avoid process of law for their enforcement.

<sup>1</sup> Objection filed 8/6/81, see insert "Objection, 4.8" herein, IAC 8/19/81; at its meeting held May 9, 1995, the Administrative Rules Review Committee voted to retain this objection but referred the issue to the General Assembly.

<sup>2</sup> At its meeting held May 9, 1995, the Administrative Rules Committee voted to retain this objection but referred the issue to the General Assembly.